

Remarks

The Advisory Action mailed December 3, 2007 has been carefully considered. Apparatus Claims 1; 53; 77; and Method Claims 151; 152; and 153 have been amended to further clarify that the present inventions is “pull” system rather than the “push” prior art (Virgin) cited by the Examiner as the primary reference. Thus, apparatus Claims 1-52; 53-76; and 77-150; and corresponding method Claims 151; 152; and 153 remain in the case with none of the claims having been allowed.

The Final Office Action rejected Claims 1-153 as being unpatentable under 35 U.S.C. 103 by U.S. Patent No. 6,826,542 to Virgin *et al.* (“Virgin”) in view of U.S. Patent No. 6,052,674 to Zervides (“Zervides”). Reconsideration and allowance is respectfully requested in view of the following remarks..

U.S. Patent No. 6,826,542 to Virgin *et al.* is a central invoicing system. Customers (payors) and invoicers can use the central invoicing system by connecting to it by a network, such as the Internet, and using an interaction device, such as a personal computer with web browsing software. Customers can create, on the central invoicing system, a list of invoicers from whom they wish to receive invoices. The system sends invitations, including a user name and password, to the selected invoicers to enroll with the central invoicing system. The system provides invoicers with a facility to enroll with the central invoicing system over the Internet. Customers can also customize the format of the invoices they are to receive from the selected invoicers.

The central invoicing system of Virgin stores each customer's particular invoicing format on a server. The system allows an invoicer to connect to the system through the Internet to create invoices. The invoicer can then submit that invoice to the customer through the system. The system formats the invoice according to the customer's desired invoice format and transmits the invoice to the customer's financial system. The system may also retain the invoice on the server and notify the appropriate customer. This is know as “push” system and is discussed in Applicant’s specification (see e.g. page 5, lines 16-25). It’s limitations are also discussed therein.

Once notified, the customer may access the central invoicing system to view, process, and approve the invoice. If the customer approves the invoice, the invoice is transmitted to the customer's financial system. At no time can the customer access the invoicer's sites directly.

As the Examiner and Applicant both agree, the Virgin system did not have a payment system associated with it. Payments appear to be made conventionally. The Examiner combines Zervides with Virgin to attempt to provide the payment engine missing from Virgin.

In the Advisory Action, the Examiner addressed Applicant's argument against Zervides where the Applicant argued that "does not expressly teach that the electronic invoice is 'only stored on a server by or on behalf of said invoicer from customer billing data' or 'stored on a server and only extracted by or on behalf of said invoicer' ". In response, the Examiner noted that Zervides was incorporated as an example of a payment engine to have a payment engine for electronically transmitting invoice payment instructions from the customer to each invoicer to allow the customer alternative means of making payments. Reconsideration and allowance is respectfully requested in view of the following remarks and the amendments to the independent claims to clarify that the present inventions are a "pull" system unlike Virgin, which is a "push" system.

The present invention is directed to a simple, straight forward system and method of automated electronic invoicing and payment that directly involves the invoicer and the customer by allowing customers to go to a single portal or bank site, review a summary of all of their bills at that single portal or bank site, and then go to directly to each invoicers' websites or entities acting on behalf of said invoicers. The present invention permits presentation of truly current data to the customer while, at the same time, provides timely payment to the invoicer. Also, since there is no need for a third party payment engine, the invoicer gains both lower cost per transaction and can control "branding" at the URL or portal rather than having to show the banner ads of a third party provider.

As set forth in each of the independent claims, as amended, the consolidated invoicer interface provides at least one access point for at least one customer to each of the invoicers; sets the access point of each of the invoicers for at least one customer; authenticates each of the customers; and automatically requests account information directly from each of the invoicers. Thus, customer data is pulled from invoicer's sites through a component installed on each

invoicer's web sites or entities acting on behalf of said invoicers. This component reads invoicer's data, packages it and fulfills requests made to the portal by the customer.

The present inventions thereby allow invoicers to maintain their direct relationship with customers, yet allows the convenience of simplifying access across multiple sites. Also, customers are able to easily see a list of summary data from invoices and link to invoicers' sites without the invoicer giving up control over the process. Also, an invoicer can "write once" for multiple publication by alternate access sites. Such a process allows the invoicer to put summary data for inclusion in a list of bills, and then allow secondary presentment points to retrieve the data ("pull" model) from the invoicer's site or entities acting on behalf of said invoicers for presentment. Invoicers should have means to make their summary data available for the consolidators to retrieve dynamically, rather than the current "push" consolidation technique as set forth in the primary reference cited by the Examiner (Virgin), to ensure the most current data. Thus, it is respectfully submitted that the claims, as amended, are patentable over the cited references and consistent with recent holdings by the Supreme Court.

The Applicant submits that by this response, he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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Date: December 10, 2007
File No.: 4156-006